

AMENDED IN ASSEMBLY MAY 15, 2000
AMENDED IN ASSEMBLY MAY 4, 2000
AMENDED IN ASSEMBLY MARCH 29, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 2100

Introduced by Assembly Members Dutra and Honda

February 22, 2000

An act to repeal Sections 27 and 2027 of the Business and Professions Code, to amend Section 1798.16 of the Civil Code, to amend Sections 16.5, 6254.20, 6276.26, 11340.1, 11344, 11711, 11726, and 14825.1 of, to add Chapter 7.5 (commencing with Section 11790) to *Part 1 of* Division 3 of Title 2 of, to repeal Sections 6254.21, 11015.5, and 11018.5 of, and to repeal Chapter 5.1 (commencing with Section 8330) and Chapter 5.2 (commencing with Section 8333) of Division 1 of Title 2 of, the Government Code, to amend Section 25534.06 of the Health and Safety Code, to amend Section 12921.15 of the Insurance Code, and to amend Sections 311.5 and 324.5 of the Public Utilities Code, relating to information technology.

LEGISLATIVE COUNSEL'S DIGEST

AB 2100, as amended, Dutra. California Electronic Government and Information Act.

Existing law generally provides for the oversight of state information technology programs by the Department of Information Technology. The department is under the direction of the Director of Information Technology, who is

also authorized to act as the Chief Information Officer of the state.

Existing law requires various public entities to post certain information and conduct certain activities on the Internet, and generally sets forth criteria for the collecting, disseminating, and sharing of data over the Internet.

This bill would enact the California Electronic Government and Information Act, to ~~establish the California Internet Portal Management Authority within~~ *designate* the Department of Information Technology, ~~under the direction of the Chief Information Officer. It would set forth the duties of the authority in~~ *as the state agency responsible for* administering, managing, maintaining, and establishing policies for the use of, the domain of the State of California on the Internet. It would repeal provisions requiring the posting of specified information on the Internet, and instead ~~provide that the authority would prohibit a state agency other than the Secretary of State from establishing a location to post information on the Internet, or direct a state agency to post that information, should there be an appropriation in the annual Budget Act directing the posting of specific content on the Internet unless the proposal for posting and a complete checklist stating the posting's proposed location on the Internet and other information is forwarded to the department.~~ *provide* The bill would ~~specify, with certain exceptions, that after June 30, 2002, no state agency may post information on the Internet unless a proposal for posting has been approved by the authority, according to specified procedures require the department to develop technical criteria and policies for proposed postings on the Internet and to create a checklist using this criteria. The bill would require the department to make a determination and notify a state agency within 10 business days after submission whether or not the proposal for posting meets statutory or administrative requirements.~~ *provide* It would require the Chief Information Officer to convene an Electronic Government Task Force, which would convene a business advisory council and develop a strategic plan for the development of a policy to create an enterprise system environment for all electronic government initiatives.



This bill would make various conforming changes.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 27 of the Business and
2 Professions Code is repealed.
3 SEC. 2. Section 2027 of the Business and Professions
4 Code is repealed.
5 SEC. 3. Section 1798.16 of the Civil Code is amended
6 to read:
7 1798.16. (a) Whenever an agency collects personal
8 information, the agency shall maintain the source or
9 sources of the information, unless the source is the data
10 subject or he or she has received a copy of the source
11 document, including, but not limited to, the name of any
12 source who is an individual acting in his or her own
13 private or individual capacity. If the source is an agency,
14 governmental entity or other organization, such as a
15 corporation or association, this requirement can be met
16 by maintaining the name of the agency, governmental
17 entity, or organization, as long as the smallest reasonably
18 identifiable unit of that agency, governmental entity, or
19 organization is named.
20 (b) On or after July 1, 2001, unless otherwise
21 authorized by the Department of Information
22 Technology pursuant to Executive Order D-3-99,
23 whenever an agency electronically collects personal
24 information, as defined by the California Electronic
25 Government and Information Act (Chapter 7.5
26 (commencing with Section 11790) of Division 3 of Title
27 2 of the Government Code), the agency shall retain the
28 source or sources or any intermediate form of the
29 information, if either are created or possessed by the
30 agency, unless the source is the data subject that has
31 requested that the information be discarded or the data
32 subject has received a copy of the source document.
33 (c) The agency shall maintain the source or sources of
34 the information in a readily accessible form so as to be

1 able to provide it to the data subject when they inspect
2 any record pursuant to Section 1798.34. This section shall
3 not apply if the source or sources are exempt from
4 disclosure under the provisions of this chapter.

5 SEC. 4. Section 16.5 of the Government Code is
6 amended to read:

7 16.5. “Digital signature” means an electronic
8 identifier intended by the party using it to have the same
9 force and effect as the use of a manual signature.

10 SEC. 5. Section 6254.20 of the Government Code is
11 amended to read:

12 6254.20. Nothing in this chapter shall be construed to
13 require the disclosure of records that relate to
14 electronically collected personal information, as defined
15 by the California Electronic Government and
16 Information Act (Chapter 7.5 (commencing with Section
17 11790) of Division 3 of Title 2 of the Government Code),
18 received, collected, or compiled by a state agency.

19 SEC. 6. Section 6254.21 of the Government Code is
20 repealed.

21 SEC. 6.5. Section 6276.26 of the Government Code is
22 amended to read:

23 6276.26. Improper obtaining or distributing of
24 information from Department of Motor Vehicles,
25 Sections 1808.46 and 1808.47, Vehicle Code.

26 Improper governmental activities reporting,
27 confidentiality of identity of persons providing
28 information, Section 8547.5, Government Code.

29 Improper governmental activities reporting,
30 disclosure of information, Section 8547.6, Government
31 Code.

32 Industrial accident reports, confidentiality of
33 information, Section 129, Labor Code.

34 Industrial loan companies, confidentiality of financial
35 information, Section 18496, Financial Code.

36 Industrial loan companies, confidentiality of
37 investigation and examination reports, Section 18394,
38 Financial Code.



1 In forma pauperis litigant, rules governing
2 confidentiality of financial information, Section 68511.3,
3 Government Code.
4 Initiative, referendum, recall, and other petitions,
5 confidentiality of names of signers, Section 6253.5,
6 Government Code.
7 Inspector General, Youth and Adult Correctional
8 Agency, confidentiality of records of employee
9 interviews, Section 6127, Penal Code.
10 Insurance claims analysis, confidentiality of
11 information, Section 1875.16, Insurance Code.
12 Insurance Commissioner, confidential information,
13 Sections 735.5, 1077.3, and 12919, Insurance Code.
14 Insurance Commissioner, informal conciliation of
15 complaints, confidential communications, Section
16 1858.02, Insurance Code.
17 Insurance Commissioner, information from
18 examination or investigation, confidentiality of, Sections
19 1215.7, 1433, and 1759.3, Insurance Code.
20 Insurance Commissioner, report to Legislature,
21 confidential information, Section 12961, Insurance Code.
22 Insurance Commissioner, writings filed with
23 nondisclosure, Section 855, Insurance Code.
24 Insurance fraud reporting, information acquired not
25 part of public record, Section 1873.1, Insurance Code.
26 Insurance Holding Company System Regulatory Act,
27 examinations, Section 1215.7, Insurance Code.
28 Insurance licensee, confidential information, Section
29 1666.5, Insurance Code.
30 Insurer application information, confidentiality of,
31 Section 925.3, Insurance Code.
32 Insurer financial analysis ratios and examination
33 synopses, confidentiality of, Section 933, Insurance Code.
34 Insurer, request for examination of, confidentiality of,
35 Section 1067.11, Insurance Code.
36 Integrated Waste Management Board information,
37 prohibition against disclosure, Section 45982, Revenue
38 and Taxation Code.
39 Internet Security Policy guidelines, Section 11790.31,
40 Government Code.

1 Intervention in regulatory and ratemaking
2 proceedings, audit of customer seeking and award,
3 Section 1804, Public Utilities Code.

4 Investigative consumer reporting agency, limitations
5 on furnishing an investigative consumer report, Section
6 1786.12, Civil Code.

7 SEC. 7. Chapter 5.1 (commencing with Section 8330)
8 of Division 1 of Title 2 of the Government Code is
9 repealed.

10 SEC. 8. Chapter 5.2 (commencing with Section 8333)
11 of Division 1 of Title 2 of the Government Code is
12 repealed.

13 SEC. 9. Section 11015.5 of the Government Code is
14 repealed.

15 SEC. 10. Section 11018.5 of the Government Code is
16 repealed.

17 SEC. 11. Section 11340.1 of the Government Code is
18 amended to read:

19 11340.1. (a) The Legislature declares that it is in the
20 public interest to establish an Office of Administrative
21 Law which shall be charged with the orderly review of
22 adopted regulations. It is the intent of the Legislature that
23 the purpose of this review shall be to reduce the number
24 of administrative regulations and to improve the quality
25 of those regulations which are adopted. It is the intent of
26 the Legislature that agencies shall actively seek to reduce
27 the unnecessary regulatory burden on private individuals
28 and entities by substituting performance standards for
29 prescriptive standards wherever performance standards
30 can be reasonably expected to be as effective and less
31 burdensome, and that this substitution shall be
32 considered during the course of the agency rulemaking
33 process. It is the intent of the Legislature that neither the
34 Office of Administrative Law nor the court should
35 substitute its judgment for that of the rulemaking agency
36 as expressed in the substantive content of adopted
37 regulations. It is the intent of the Legislature that while
38 the Office of Administrative Law shall be part of the
39 executive branch of state government, that the office
40 work closely with, and upon request report directly to,

1 the Legislature in order to accomplish regulatory reform
2 in California.

3 (b) It is the intent of the Legislature that the California
4 Code of Regulations made available on the Internet by
5 the office pursuant to the California Electronic
6 Government and Information Act (Chapter 7.5
7 (commencing with Section 11790)) include complete
8 authority and reference citations and history notes.

9 SEC. 12. Section 11344 of the Government Code is
10 amended to read:

11 11344. The office shall do all of the following:

12 (a) Provide for the official compilation, printing, and
13 publication of adoption, amendment, or repeal of
14 regulations, which shall be known as the California Code
15 of Regulations.

16 (b) Provide for the compilation, printing, and
17 publication of weekly updates of the California Code of
18 Regulations. This publication shall be known as the
19 California Regulatory Code Supplement and shall
20 contain amendments to the code.

21 (c) Provide for the publication dates and manner and
22 form in which regulations shall be printed and distributed
23 and ensure that regulations are available in printed form
24 at the earliest practicable date after filing with the
25 Secretary of State.

26 (d) Ensure that each regulation is printed together
27 with a reference to the statutory authority pursuant to
28 which it was enacted and the specific statute or other
29 provision of law which the regulation is implementing,
30 interpreting, or making specific.

31 SEC. 13. Section 11711 of the Government Code is
32 amended to read:

33 11711. The director shall be responsible for all of the
34 following:

35 (a) Developing plans and policies to support and
36 promote the effective application of information
37 technology within state government as a means of saving
38 money, increasing employee productivity, and
39 improving state services to the public, including public
40 electronic access to state information.

1 (b) Overseeing the management of information
2 technology in state agencies, the development and
3 management of information technology projects, and the
4 acquisition of information technology, to ensure
5 compliance with statewide strategies, policies, and
6 standards.

7 (c) Preparing annual reports to the Governor and the
8 Legislature as to the status and result of the state's specific
9 information technology plans.

10 (d) Developing and maintaining a computer based
11 file, for use by the department and the Legislature, of all
12 information technology projects for which a feasibility
13 study report has been approved.

14 (e) Recommending to the Governor and Legislature
15 changes needed in state policies and laws to accomplish
16 the purposes of this chapter.

17 (f) Identifying which applications of information
18 technology should be statewide in scope, and ensure that
19 these applications are not developed independently or
20 duplicated by individual state agencies.

21 (g) Establishing policies and procedures, where
22 appropriate, to ensure that major projects are scheduled
23 and funded in phases and that authority to proceed to the
24 next phase of a project will be contingent upon successful
25 completion of the prior phase. The policies and
26 procedures to be developed by the director shall include
27 the identification of one or more specific results
28 deliverable for each phase that will provide the basis for
29 assessing the extent to which a phase has been completed
30 successfully.

31 ~~(h) Managing the California Internet Portal~~
32 ~~Management Authority;~~

33 *(h) Administering, managing, maintaining, and*
34 *establishing policies regarding the technical use of the*
35 *Internet domain of the State of California pursuant to the*
36 *California Electronic Government and Information Act*
37 *(Chapter 7.5 (commencing with Section 11790)).*

38 *SEC. 13.5. Section 11726 of the Government Code is*
39 *amended to read:*

1 11726. Feasibility study reports, special project
2 reports, and postimplementation evaluation reviews for
3 information technology projects, if and when required,
4 shall include in the front of the document a summary
5 disclosing the following information:

6 (a) For feasibility study reports, the estimated project
7 cost and benefits for the selected solution, the estimated
8 start and completion dates, and the estimated number of
9 months required to implement the project.

10 (b) For special project reports, the original estimates
11 of cost, benefits, and schedule, the new estimates of cost,
12 benefits and schedule, and where applicable, the
13 estimated cost, benefits and schedule reflected in the
14 most recent special project report.

15 (c) For postimplementation evaluation reports, an
16 analysis of the original estimated versus actual costs,
17 benefits, and schedule.

18 (d) *When appropriate, feasibility study reports,*
19 *special project reports, and postimplementation*
20 *evaluation reports shall include completed checklists as*
21 *developed by the Department of Information*
22 *Technology pursuant to the California Electronic*
23 *Government and Information Act (Chapter 7.5*
24 *(commencing with Section 11790)).*

25 SEC. 14. Chapter 7.5 (commencing with Section
26 11790) is added to *Part 1 of* Division 3 of Title 2 of the
27 Government Code, to read:

28
29 CHAPTER 7.5. CALIFORNIA ELECTRONIC GOVERNMENT
30 AND INFORMATION ACT

31
32 Article 1. General Provisions

33
34 11790. This chapter shall be known and may be cited
35 as the California Electronic Government and
36 Information Act.

37 11790.2. The Legislature finds and declares that the
38 use of Internet technology can provide more efficient and
39 effective delivery of services to the citizens of the State
40 of California.

1 11790.3. The Legislature declares that it is the
2 purpose of this chapter to establish an effective public
3 infrastructure at the state and local levels. It is further
4 declared to be the purpose of this chapter to increase
5 through broader infrastructure enhancements the
6 actionable data and information available to enhance
7 services to the citizens of the State of California.

8 11790.4. It is the intent of the Legislature in enacting
9 this chapter to do all of the following:

10 (a) Encourage the creation of uniform standards and
11 policies for the use of Internet technology by state
12 agencies and departments.

13 (b) Maximize the cost savings associated with use of
14 enterprise systems to create a more efficient and
15 effective state government.

16 (c) Improve the provision of services to individuals,
17 and promote the ability of citizens to access government
18 through Internet technology in order to conduct routine
19 business with state agencies by providing for all of the
20 following:

21 (1) Payment by electronic means of fees, taxes,
22 registrations, and permits.

23 (2) Application for permits, licenses, grants, and other
24 services.

25 (3) Posting of public records and information for
26 public perusal.

27 (d) Provide tools to state agencies to encourage the
28 development of enterprise systems to improve current
29 business practices and develop new internal business
30 models for the state.

31 (e) Protect the privacy of Californians and the state's
32 electronic infrastructure through the use of advanced
33 digital signature and encryption technologies.

34 (f) Remove sole technical responsibility from state
35 agencies when developing a presence on the Internet and
36 when interfacing with the ~~state—Internet—Portal~~
37 *Department of Information Technology*, while enabling
38 each state agency to manage and maintain *content on the*
39 *Internet* effectively and efficiently ~~—content on the~~

Internet without having to seek approval continually from a central authority.

11790.5. *It is not the intent of the Legislature to create a central authority to review the content proposed for posting on the Internet by state agencies, except as required by statute. It is further not the intent of the Legislature to require state agencies to apply, propose for posting, or make a formal request to a central authority for access to the Internet on the sole basis of the content proposed or of changes to existing content.*

11790.6. *Nothing in this chapter nor in any other provision of law providing for electronic transactions between or among state agencies shall be construed to imply that existing rights of privacy provided under any other provision of law are abrogated, surrendered, or diminished because a transaction or any other function of government is performed electronically.*

11790.7. Except as specifically provided, this chapter shall not impact any obligations of the state or its citizens provided under the Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1).

~~11790.6.—~~

11790.8. Except as specifically provided, this chapter shall not impact any obligations of the state or its citizens provided under the Information Practices Act (Title 1.8 (commencing with Section 1798) of Part 4 of Division 3 of the Civil Code) or the State Records Management Act (Chapter 5 (commencing with Section 14740) of Part 5.5).

~~11790.7.—~~

11790.9. Unless the provision or context requires otherwise, the following definitions shall govern the construction of this chapter:

(a) “Department” means the Department of Information Technology.

(b) “Domain” shall mean any globally unique address space, or hierarchical reference to an Internet host or service, assigned through centralized Internet naming authorities, occupied by the State of California on the Internet or any address that is identified as the property

1 of the state, including, but not limited to, any address
2 combination comprising a series of character strings
3 separated by periods, with the rightmost character string
4 specifying the top of the hierarchy that includes “ca.gov.”

5 ~~(b)~~

6 (c) “Internet” means the global information system
7 that is logically linked together by a globally unique
8 address space based on the Internet Protocol (IP), or its
9 subsequent extensions, and that is able to support
10 communications using the Transmission Control
11 Protocol/Internet Protocol (TCP/IP) suite, or its
12 subsequent extensions, or other IP-compatible protocols,
13 and that provides, uses, or makes accessible, either
14 publicly or privately, high level services layered on the
15 communications and related infrastructure described in
16 this subdivision.

17 ~~(e)~~

18 (d) “State agencies” shall include all state agencies,
19 departments, boards, constitutional officers, and any
20 other entity, except for the legislative and judicial
21 branches, which as of January 1, 2000, had identified
22 themselves on the Internet as part of the domain of the
23 State of California.

24 Article 2. Internet Domain

25 11790.10. There shall be only one domain of the State
26 of California on the Internet.

27 11790.11. The domain shall include all state agencies,
28 the legislative and judicial branches, and all entities that,
29 as of January 1, 2000, had been identified on the Internet
30 as part of the domain of the State of California.

31 11790.12. The domain shall be administered by the
32 ~~California Internet Portal Management Authority.~~
33 *Department of Information Technology.*
34
35
36

Article 3. ~~California-Internet Portal Management~~
~~Authority~~

~~11790.15. The California Internet Portal Management Authority is hereby established in the Department of Information Technology.~~

~~11790.16. The authority shall be responsible for administering, managing, maintaining, and establishing policies for the use of, California's domain on the Internet.~~

~~11790.17. The authority shall operate as a division of the Department of Information Technology in all matters not addressed by this chapter.~~

~~11790.18. The Chief Information Officer of the State of California shall act as director of the authority.~~

~~11790.19. No state agency, except the Secretary of State as provided by this chapter, may post information on the Internet unless a proposal for posting has been approved by the authority in accordance with the criteria established pursuant to this chapter.~~

~~11790.20. The authority shall develop technical criteria and policies for the approval and denial of proposed postings on the Internet.~~

~~11790.21. The authority shall determine no later than 10 business days after submission whether or not the proposal for posting meets the rules, regulations, technical criteria, or portions of the enterprise plan established by the Electronic Government Task Force.~~

11790.15. The Department of Information Technology shall be responsible for administering, managing, maintaining, and establishing policies regarding the technical use of the Internet domain of the State of California.

11790.16. The department shall develop technical criteria and policies for proposed postings on the Internet.

11790.17. The department shall create and make available to all state agencies a checklist associated with the technical criteria and policies established by this chapter.

1 11790.18. *The checklist required pursuant to Section*
2 *11790.17 shall include existing statutory requirements and*
3 *rules and regulations developed in response to statutory*
4 *requirements, including all of the following:*

5 (a) *Technical criteria and policies developed by the*
6 *department.*

7 (b) *Enterprise system recommendations of the*
8 *Electronic Government Task Force.*

9 (c) *Internet posting and privacy requirements and*
10 *restrictions, digital signature regulations, and electronic*
11 *payment rules and regulations.*

12 11790.19. *No state agency, except the Secretary of*
13 *State as provided by the Political Reform Act of 1974*
14 *(Title 9 (commencing with Section 81000), may establish*
15 *a location to post information on the Internet unless both*
16 *a proposal for posting and a completed checklist have*
17 *been forwarded to the Department of Information*
18 *Technology. The proposal and ckecklist shall state the*
19 *posting's proposed location on the Internet and its*
20 *compliance with the criteria established pursuant to this*
21 *chapter.*

22 11790.20. *The department may make a determination*
23 *and shall notify a state agency no later than 10 business*
24 *days after submission whether or not the proposal for*
25 *posting information on the Internet meets statutory*
26 *requirements or the rules or regulations developed in*
27 *accordance with this chapter.*

28 11790.22. (a) The ~~authority~~ *department* may not
29 deny the posting of information based on the
30 nontechnical content of the proposal, except as otherwise
31 directed by this ~~article~~ *chapter.*

32 (b) *Proposals for posting shall include provisions for*
33 *the continued maintenance of content, when*
34 *appropriate.*

35 (c) The ~~authority~~ *department* shall determine the
36 ongoing parameters and technical rules for each proposal
37 that contemplates the maintenance of content on the
38 Internet.

39 11790.23. (a) The ~~authority~~ *department* may deny
40 the posting of information should the proposal of the state

1 agency fail to include any content provisions as required
2 by ~~Article 5 (commencing with Section 11790.40)~~; *this*
3 *chapter, or as otherwise directed by statute or in the*
4 *annual Budget Act.*

5 (b) The failure to include any content provisions as
6 required by Article 6 (commencing with Section
7 11790.50), within the information proposed by a state
8 agency once posted on the Internet shall be the sole
9 responsibility of the state agency that requested posting
10 on the domain.

11 11790.24. All nontechnical content of information
12 proposed by a state agency once posted on the Internet
13 shall be owned and shall be the sole responsibility of the
14 state agency that requested posting on the domain.

15 ~~11790.25. The authority may post information on the~~
16 ~~Internet on behalf of any state agency, with or without~~
17 ~~the prior approval of that agency, if the authority is~~
18 ~~implementing the policy recommendations of the~~
19 ~~Electronic Government Task Force, acting within the~~
20 ~~guidelines of technical criteria and policies established for~~
21 ~~the approval and denial of proposals, fulfilling the~~
22 ~~requirements of this chapter, conforming to a federal~~
23 ~~standard, or acting in response to a change in statute.~~

24 ~~11790.26. The authority shall post information on the~~
25 ~~Internet, or direct a state agency to post information on~~

26 *11790.25. A state agency shall post information on the*
27 *Internet, should there be an appropriation in the annual*
28 *Budget Act directing the posting of specific content on*
29 *the Internet.*

30 ~~11790.27. The authority shall post~~ *department shall*
31 *approve for posting* all information on the Internet
32 developed by the Legislative Counsel pursuant to Section
33 10248. Should the Legislative Counsel propose technical
34 content not consistent with ~~authority~~ *department* posting
35 policies, the ~~—authority~~ *department* shall advise the
36 Legislative Counsel by letter as to alternative
37 technologies available and the impact on the budget of
38 the Legislative Counsel to properly maintain the
39 information posted under the current and any alternative
40 technical systems.

1 11790.28. (a) The ~~authority~~ *department* shall submit
2 a quarterly letter to the Joint Legislative Budget
3 Committee with a complete listing of all proposals
4 submitted, the determination made by the ~~—authority~~
5 *department*, the cost of implementing and maintaining
6 each proposal, and the enterprise solutions associated
7 with each proposal.

8 (b) The ~~authority~~ *department* shall submit a quarterly
9 letter to the Joint Legislative Budget Committee with a
10 complete listing of all proposals generated as a result of
11 the annual Budget Act as well as all requests submitted by
12 individual legislators, the cost of implementing and
13 maintaining each proposal, and the enterprise solutions
14 associated with each proposal.

15 11790.29. All information posted on the Internet prior
16 to the establishment of the ~~authority~~ *department* shall be
17 considered approved by the ~~—authority~~ *department* until
18 June 30, 2002, or until the ~~authority~~ *department* receives
19 a proposal to replace information posted on the Internet
20 or the ~~—authority~~ *department* implements enterprise
21 system policy requirements pursuant to this chapter,
22 whichever is earliest.

23 11790.30. The ~~authority~~ *department* shall implement
24 the enterprise system policy recommendations of the
25 Electronic Government Task Force, made pursuant to
26 Section 11790.37, no later than December 31, 2002.

27 11790.31. (a) The ~~authority~~ *department* shall
28 develop an Internet Security Policy and issue guidelines
29 for its implementation no later than December 31, 2002.

30 (b) The ~~authority~~ *department* shall not approve any
31 submitted proposals for posting that do not conform to
32 the Internet security policy.

33 (c) While the Internet security policy shall be a matter
34 of public record, the guidelines developed according to
35 this section to implement the policy shall be exempt from
36 the California Public Records Act (Chapter 3.5
37 (commencing with Section 6250) of Division 7 of Title 1).

38 11790.32. The Chief Information Officer may issue
39 rules and regulations in order to implement or administer
40 the provisions of this chapter.

Article 4. Electronic Government Task Force

11790.35. The Chief Information Officer shall convene an Electronic Government Task Force made up of individuals from within state government, as determined by the Chief Information Officer.

11790.36. (a) The task force shall convene a business advisory council made up of individuals from the private sector well-acquainted with Internet technology, as determined by the Chief Information Officer, and shall meet no less than twice a year.

(b) The task force shall solicit public input during development of the strategic plan.

(c) The task force may meet at any time to update the strategic plan upon call of the Chief Information Officer.

11790.37. The task force shall develop a strategic plan for the development of a policy to create an enterprise system environment for all electronic government initiatives and present this plan to the authority no later than December 31, 2001.

Article 5. Internet Posting and Privacy Requirements
and Restrictions

11790.40. The ~~authority~~ *department* shall not approve for posting any proposal that does not include direct access to a plain-language privacy policy or to any notice required by this article.

11790.41. Every state agency that utilizes any method, device, identifier, or other data base application on the Internet to electronically collect personal information, as defined in Section 11790.49, regarding any user shall include in every proposal for posting on the Internet a prominent display of the following instances when the information specified would be ~~collected~~ *collected*:

(a) Notice to the user of the usage or existence of the information gathering method, device, identifier, or other data base application.

1 (b) Notice to the user of the type of personal
2 information that is being collected and the purpose for
3 which the collected information will be used.

4 (c) Notice to the user of the length of time that the
5 information gathering device, identifier, or other data
6 base application will exist in the user's hard drive, if
7 applicable.

8 (d) Notice to the user that he or she has the option of
9 having his or her personal information discarded without
10 reuse or distribution, provided that the appropriate
11 agency official or employee is contacted after notice is
12 given to the user.

13 (e) Notice to the user that any information acquired
14 by the state agency, including the California State
15 University, is subject to the limitations set forth in the
16 Information Practices Act of 1977 (Title 1.8 (commencing
17 with Section 1798) of Part 4 of Division 3 of the Civil
18 Code).

19 (f) Notice to the user that state agencies shall not
20 distribute or sell any electronically collected personal
21 information, as defined in Section 11749, about users to
22 any third party without the permission of the user.

23 (g) Notice to the user that electronically collected
24 personal information, as defined in Section 11790.49, is
25 exempt from requests made pursuant to the California
26 Public Records Act (Chapter 3.5 (commencing with
27 Section 6250) of Division 7 of Title 1).

28 (h) The title, business address, telephone number, and
29 electronic mail address, if applicable, of the agency
30 official who is responsible for records requests, as
31 specified by subdivision (b) of Section 1798.17 of the Civil
32 Code, or the agency employee designated pursuant to
33 Section 1798.22 of that code, as determined by the agency,
34 who is responsible for ensuring that the agency complies
35 with requests made pursuant to this section.

36 11790.42. A state agency shall not distribute or sell any
37 electronically collected personal information about users
38 to any third party without prior written permission from
39 the user, except as required to investigate possible
40 violations of Section 502 of the Penal Code or as

1 authorized under the Information Practices Act of 1977
2 (Title 1.8 (commencing with Section 1798) of Part 4 of
3 Division 3 of the Civil Code). Nothing in this section shall
4 be construed to prohibit a state agency from distributing
5 electronically collected personal information to another
6 state agency or to a public law enforcement organization
7 in any case where the security of a network operated by
8 a state agency and exposed directly to the Internet has
9 been, or is suspected of having been, breached.

10 11790.43. A state agency shall discard without reuse or
11 distribution any electronically collected personal
12 information, as defined in subdivision (d), upon request
13 by the user.

14 11790.44. (a) No state or local agency shall post the
15 home address or telephone number of any elected or
16 appointed official on the Internet without first obtaining
17 the written permission of that individual.

18 (b) Nothing in this section shall be construed to
19 prohibit a state or local agency from maintaining a
20 searchable Internet data base, as long as the home
21 addresses or telephone numbers of elected or appointed
22 officials cannot be accessed through that data base by a
23 search for title or position.

24 (c) For purposes of this section “elected or appointed
25 official” includes, but is not limited to, all of the following:

- 26 (1) State constitutional officers.
- 27 (2) Members of the Legislature.
- 28 (3) Judges and court commissioners.
- 29 (4) District attorneys.
- 30 (5) Public defenders.
- 31 (6) Members of a city council.
- 32 (7) Members of a board of supervisors.
- 33 (8) Appointees of the Governor.
- 34 (9) Appointees of the Legislature.
- 35 (10) Mayors.
- 36 (11) City attorneys.
- 37 (12) Police chiefs and sheriffs.

38 11790.45. (a) State agencies shall submit proposals
39 for posting on the Internet, on or after July 1, 2001, unless
40 otherwise authorized by the Department of Information

1 Technology pursuant to Executive Order D-3-99, a
2 plain-language form through which individuals can
3 register complaints or comments relating to the
4 performance of that agency. The agency shall provide
5 instructions on filing the complaint electronically, or on
6 the manner in which to complete and mail the complaint
7 form to the state agency, or both, consistent with
8 whichever method the agency establishes for the filing of
9 complaints.

10 (b) Any printed complaint form used by a state agency
11 as part of the process of receiving a complaint against any
12 licensed individual or corporation subject to regulation
13 by that agency shall be submitted by the agency as a
14 proposal for posting on the Internet on or after July 1,
15 2001, unless otherwise authorized by the Department of
16 Information Technology pursuant to Executive Order
17 D-3-99. The agency shall provide instructions on filing the
18 complaint electronically, or on the manner in which to
19 complete and mail the complaint form to the state
20 agency, or both, consistent with whichever method the
21 agency establishes for the filing of complaints.

22 (c) It is the intent of the Legislature that this section
23 shall not apply to the Reporting of Improper
24 Governmental Activities Act (Article 3 (commencing
25 with Section 8547) of Chapter 6.5) or the procedures
26 established to investigate citizens' complaints against
27 peace officers as required by Section 832.5 of the Penal
28 Code.

29 (d) Any reference in code or regulation to the Citizen
30 Complaint Act of 1997 shall be construed to refer to this
31 section.

32 11790.46. (a) State agencies shall submit proposals
33 for posting on the Internet, on or after July 1, 2001, unless
34 otherwise authorized by the Department of Information
35 Technology pursuant to Executive Order D-3-99, a listing
36 of all grants administered by that agency, which shall
37 provide instructions on filing grant applications
38 electronically, or on the manner in which to download,
39 complete, and mail grant applications to the state agency,

1 or both, consistent with whichever method the agency
2 establishes for the filing of grant applications.

3 (b) Each state agency shall include in its proposal for
4 posting a listing of grants administered by that agency
5 pursuant to subdivision (a), shall make any printed grant
6 application form used by the agency to award grants that
7 are subject to administration by that agency available on
8 the Internet, and shall provide the instructions specified
9 in subdivision (a).

10 (c) Each state agency shall include in its proposal for
11 posting a listing of grants administered by that agency
12 pursuant to subdivision (a) and shall include an executive
13 summary of each grant as part of that listing that includes,
14 but is not limited to, all of the following:

15 (1) The title of the grant opportunity and grant
16 identification number.

17 (2) A brief description of the request for proposals
18 (RFP) or request for assistance (RFA).

19 (3) Grant eligibility requirements.

20 (4) Geographic limitations, if any.

21 (5) Description of the total available grant funding,
22 the number of awards, and the amounts per award.

23 (6) Period of time covered by the grant.

24 (7) Date the request for proposals (RFP) or request
25 for assistance (RFA) is issued.

26 (8) Deadline for proposals to be submitted.

27 (9) Internet address for electronic submission, when
28 appropriate.

29 (10) Contact information.

30 (d) "Grant" as used in this section, means a solicited or
31 unsolicited proposal, including, but not limited to, a
32 request for proposals (RFP) and a request for
33 applications (RFA), to furnish assistance to another
34 entity so that the latter may carry out its own program.
35 The term shall not include the procurement of goods or
36 services for a state agency nor the acquisition,
37 construction, alteration, improvement, or repair of real
38 property for a state agency.

(e) Any reference in statute or regulation to the Grant Information Act of 1999 shall be construed to refer to this section.

11790.47. All state agencies shall promptly submit proposals to the ~~authority~~ *department* allowing for the rapid posting of information on the Internet pursuant to the requirements of the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11125) of Chapter 1).

11790.48. The Office of Administrative Law shall promptly submit a comprehensive proposal for the posting and maintenance of the full text, amendments to, and repeal of, the California Code of Regulations and the California Regulatory Code Supplement on the Internet.

11790.49. For purposes of this article:

(a) “Electronically collected personal information” means any information that is maintained by an agency that identifies or describes an individual user, including, but not limited to, his or her name, social security number, physical description, home address, home telephone number, education, financial matters, medical or employment history, password, electronic mail address, and information that reveals any network location or identity, but excludes any information manually submitted to a state agency by a user, whether electronically or in written form, and information on or relating to individuals who are users serving in a business capacity, including, but not limited to, business owners, officers, or principals of that business.

(b) “User” means an individual who communicates with a state agency or with an agency employee or official electronically.

11790.50. Nothing in this article shall be construed to permit an agency to act in a manner inconsistent with the standards and limitations adopted pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) or the Information Practices Act of 1977 (Title 1.8 (commencing with Section 1798) of Part 4 of Division 3 of the Civil Code).

Article 6. Digital Signatures

11790.55. In the utilization of the California domain or in any written communication with a public entity, as defined in Section 811.2, in which a signature is required or used, any party to the communication may affix a signature by use of a digital signature that complies with the requirements of this article.

11790.56. The use of a digital signature shall have the same force and effect as the use of a manual signature if and only if it embodies all of the following attributes:

- (a) It is unique to the person using it.
- (b) It is capable of verification.
- (c) It is under the sole control of the person using it.
- (d) It is linked to data in such a manner that if the data are changed, the digital signature is invalidated.
- (e) It conforms to regulations adopted pursuant to this article.

11790.57. (a) By January 1, 2002, the ~~authority~~ *department* shall adopt regulations for the use of digital signatures by state agencies.

(b) Prior to the adoption of regulations by the ~~authority~~ *department*, those regulations adopted by the Secretary of State prior to January 1, 1997, shall apply.

11790.58. The ~~authority~~ *department* may issue specific rules and regulations for applicable uses, permitted uses, or the appropriate requirements for the use of digital signatures by state agencies.

11790.59. The ~~authority~~ *department* may require a public entity to recognize adopted digital signature regulations, or recognize their use in the Internet security policy in the utilization of the California domain.

Article 7. Electronic Payments

11790.66. (a) The ~~authority~~ *department* shall adopt rules and regulations that authorize public entities to accept, in lieu of payment by cash or check, payment by electronic means for any tax, assessment, rate, fee,

1 charge, rent, interest, penalty, or any other account
2 receivable by December 31, 2001.

3 (b) The ~~authority~~ *department* shall receive from the
4 Controller on or before November 1, 2001, guidelines for
5 the adoption of rules and regulations pursuant to
6 subdivision (a).

7 (c) The Controller shall establish guidelines for the
8 methods and processes for the receipting, disbursing, and
9 accounting of all state moneys by any method. These
10 methods shall include, but are not limited to, transactions
11 by paper, electronic means, and by third-party
12 processors. The guidelines for the use of warrants also
13 may include the use of automated clearing house
14 methods, financial electronic data interchange, emerging
15 electronic payments, or industry accepted transactions
16 associated with electronic commerce or any other
17 electronic processing of payments, through the banking
18 and finance system as established and regulated by the
19 federal Treasury Department.

20 (d) State agencies that are recipients of state or federal
21 moneys or both state and federal moneys ~~must~~ *shall*
22 establish procedures to receive these payments
23 electronically in compliance with subdivision (a) by
24 December 31, 2002, if electronic payments are requisite
25 components of any proposal for posting or the execution
26 of the enterprise system plan.

27 11790.67. The ~~authority~~ *department* shall confer with
28 the Controller 60 days prior to amending any adopted
29 rules or regulations on electronic payment.

30 11790.68. State agencies shall absorb fees or charges
31 associated with the use of electronic payment when
32 feasible. However, the ~~authority~~ *department* shall
33 determine criteria and circumstances under which state
34 agencies may require a debtor who pays by electronic
35 payment to pay any fee or charge associated with the use
36 of electronic payments, as long as these fees or charges are
37 limited to charges ~~associated with~~ *incurred as a result of*
38 Section 11790.66.

39 SEC. 15. Section 14825.1 of the Government Code is
40 amended to read:

14825.1. The California State Contracts Register shall be published not less than twice a month and shall include information deemed appropriate by the Department of General Services. The register shall include all of the following:

(a) Contract identification number.

(b) A description of the contract to be performed.

(c) All deadlines for submitting bid proposals or other required steps in the contract process, including the location and estimated duration of the contract where appropriate.

(d) Any eligibility requirements and preferences.

(e) Department, name, and telephone number of the person or persons to contact for further bid and submittal information.

SEC. 16. Section 25534.06 of the Health and Safety Code is amended to read:

25534.06. (a) A city or county that adopts, amends, or repeals an ordinance related to the regulation of regulated substances pursuant to this article shall do so at a public meeting for which notice has been given in a newspaper of general circulation that is published and circulated in the affected city or county, and the city or county shall state in the ordinance the reasons for adopting, amending, or repealing the ordinance.

(b) A city or county required to provide notice pursuant to subdivision (a) may, in addition to publishing the notice in a newspaper of general circulation, submit the notice to the California Environmental Protection Agency, which shall submit a proposal to the ~~California Internet Portal Management Authority~~ *Department of Information Technology* to post that notice on the Internet at a location established for notices that may be posted pursuant to this subdivision.

(c) The California Environmental Protection Agency shall not implement subdivision (b) until July 1, 2001, unless otherwise authorized to do so on an earlier date, in accordance with a process for considering exemptions established by the Year 2000 Executive Committee, pursuant to Executive Order D-3-99.

1 SEC. 17. Section 12921.15 of the Insurance Code is
2 amended to read:

3 12921.15. On or before July 1, 1999, the commissioner
4 shall prepare a written report, to be made available by the
5 department to interested individuals, that details
6 complaint and enforcement information on individual
7 insurers in accordance with guidelines established under
8 paragraph (5) of subdivision (a) of Section 12921.1. No
9 complaint information shall be included in the report
10 required by this section that has not been provided to the
11 insurer in accordance with subdivision (c) of Section
12 12921.1.

13 SEC. 18. Section 311.5 of the Public Utilities Code is
14 amended to read:

15 311.5. (a) Prior to commencement of any meeting at
16 which commissioners vote on items on the public agenda
17 the commission shall make available to the public copies
18 of the agenda, and upon request, any agenda item
19 documents that are proposed to be considered by the
20 commission for action or decision at a commission
21 meeting.

22 (b) In addition, the commission shall publish the
23 agenda, agenda item documents, and adopted decisions
24 in a manner that makes copies of them easily available to
25 the public.

26 SEC. 19. Section 324.5 of the Public Utilities Code is
27 amended to read:

28 324.5. (a) The Public Utilities Commission shall
29 publish any data it collects for its clearinghouse minority
30 and women business data base that it deems to be
31 nonconfidential, including, but not limited to, company
32 name, address, telephone number, fax number, point of
33 contact, federal Standard Industrial Classification (SIC)
34 code, ethnicity code, gender code, and business
35 description, for use by governmental agencies and the
36 public who request the information. Publication of the
37 data base shall be done on a semiannual basis and shall be
38 made available in written and electronic forms.

39 (b) The commission may impose fees on the
40 requesters of information commensurate with its cost to

- 1 publish, duplicate, or provide computer access to the data
- 2 base.

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